



**Issuing Authority: Chief Peter Brower**

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**705.3 Administration of Sick Leave (SD)**

- A. A member of the department who cannot report for a scheduled tour of duty due to illness or injury not in the line of duty shall notify the department in the manner described below.
1. For “**each day of absence**,” personally notify a police supervisor on duty, in person or by telephone, at least two (2) hours before the start of the scheduled period of duty.
    - a. Employees on long-term sick leave shall make such daily notifications at a time designated by the Chief or his representative.
    - b. Absence notification made to a police radio dispatcher does not satisfy this requirement.
    - c. Daily notification is not required if an employee is hospitalized and the Department has received proper notification. However, daily notification is required once released from the hospital.
  2. In the event a police supervisor is not immediately available when the initial sick notification is made, the member requesting sick leave status shall provide the radio dispatcher with the telephone number where a supervisor can return the contact.
    - a. A member reporting sick shall standby to receive a supervisor’s return contact and supervisors shall make reasonable attempt to return calls within 30 minutes from time of the initial sick notification. Nothing herein however, prevents or restricts supervisors from making personal visitations to members absent on sick leave any time during the member’s absence.

**B. Duties of Police Supervisors**

A police supervisor who has been contacted by a member reporting sick for a tour of duty shall:

1. Ascertain from the member what his/her location will be during the period of illness and the telephone number at that location.
2. Ascertain the nature of illness.
3. Direct a communications operator to make appropriate log entry.
4. Complete the “Notification of Absence Report”
5. Make necessary scheduling adjustments.

6. Complete Department Form 20-c (Request for Residence Leave) for a member of the department who is on sick leave and is requesting residence leave. (See paragraph “c” below).
  - a. In the event the supervisor is not able to receive the reporting employee’s initial sick report, make reasonable attempt to affect return contact within 30 minutes.

**C. Duties of members on sick leave**

1. For the purpose of this directive, “residence” or “residence of illness” shall mean the member’s home of record officially listed in department records OR the address location from which a member originates a sick notification to the Department and where rest and recuperation during the period of illness will occur.
2. Any member of the department who reports absent from scheduled duty due to illness or an injury which did not occur in the line of duty shall comply with the following:
  - a. Make proper notification to the department reporting illness/injury and requests for sick leave. (Paragraph 705.3 A, above).
  - b. Advise the supervisor on duty of their present location and telephone number and providing information regarding the nature of their illness or injury.
  - c. Unless confined to a hospital, remain in their residence for each day of illness or injury which is conjunctive with periods of scheduled work unless otherwise relieved of this requirement by the Chief of Police. Members of the department who wish to leave their residence during such periods of illness/injury shall contact a police supervisor on duty and request permission to leave their residence for the following specific purposes. In each instance the supervisor on duty shall grant permission to be absent from the residence for reasonable times and for these specific purposes only:
    - i. Scheduled appointments with physicians, dentists, physical therapists, hospitals or clinics, whether or not related to the member’s present injury or illness.
    - ii. Purchase food, household necessities and medication for the member’s present injury or illness.
    - iii. Attendance at religious services.
    - iv. Register to vote or to vote in elections for local, state or federal offices.

- v. Engage in physical exercise when recommended **and** prescribed in writing by an attending physician.
  - vi. Answer court subpoenas.
  - vii. To follow the orders or directions of a supervising officer.
  - viii. To return to their home of record from a location where illness/injury began and from where the original sick notification was made to the department.
- d. Members of the department requesting to leave their residence while on sick leave and during their period of scheduled duty, shall state to the police supervisor on duty their purpose for leaving, their destinations, planned time of departure, method of transportation and the estimated time of return to their residence. Immediately upon return to their residence, the member shall notify the police supervisor on duty.
- e. A member of the department who makes sick absence notification to the department from a location other than the member's residence of illness shall advise the police supervisor of the location and telephone number from which the notification is being made. The member shall immediately report to a residence of illness and upon arrival, notify the police supervisor on duty as described in paragraph 137.4A above.
- f. A member who is absent sick from duty for more than three (3) consecutive assigned shifts shall, no later than the fourth day of sick absence, provide to the Department a physician's or dentist's note reflecting the date(s) of visitation at the physician/dentist office, the illness or injury for which treatment was administered, a prognosis, a diagnosis, and the anticipated period of illness. (This note may be delivered to the Department in person, by facsimile, or by messenger). Non-compliance with this provision may result in loss of pay for the period of absence and disciplinary charges, so stated in labor contract. *[Amended 06/2007]*
- g. No member of the department shall engage in off-duty employment or engage in any physical activity that retards or could be construed to retard recovery from illness, while on sick leave or during periods including off-duty periods between consecutive days of sick absence. An exception is provided for physical activity that is prescribed, in writing, by a physician, as necessary for recuperation.

- h. The Chief of Police may waive or exempt any portion of the above sick leave reporting requirements for a member of the department who is hospitalized or is chronically sick for an extended period of time. In all cases of chronic sick, members shall, a minimum of **every thirty days** provide a physician's note to the department reflecting the diagnosis of illness **and** the prognosis for return to duty. *[Amended 06/2007]*

#### **705.4 Line of Duty Injury Leave (LODI).**

- A. A member of the Department who is on duty and, who claims an injury or illness was incurred during or resulting from the performance of official duty and, who is disabled and cannot perform the regular duties of a police officer as a result of such injury/illness, may apply for line of duty injury status and may be eligible for benefits pursuant to General Municipal Law, section 207-c.
  - 1. Granting of LODI status is done by the Chief of Police consistent with law and any current labor agreements. *(New 8/01)*
- B. **Duties of a member applying for GML207-c benefits and LODI status.**
  - 1. A member who claims to have sustained an injury or who claims an illness as a result of the performance official duty shall:
    - a. As soon as possible following an event causing injury/illness, notify a police supervisor of such occurrence.
    - b. Complete a numbered special report detailing:
      - i. Exactly how the injury/illness occurred.
      - ii. Geographic location where the injury/illness occurred.
      - iii. Date and time of occurrence.
      - iv. Names and addresses of all witness to the occurrence.
      - v. Description of the injury/illness and the specific body parts affected.
  - 2. A member of the department declaring injury/illness resulting from the performance of duty may apply for LODI status by filing an official application for such status with the Chief of Police. The application consists of a cover memo to the Chief of Police and the following attachments:
    - a. Worker's Compensation Form (C2)
    - b. Numbered special report detailing all pertinent detail as listed above.

- c. A notarized authorization to release medical records related to the diagnosis, treatment and care of the injury or illness.
      - i. No action will be taken on incomplete applications.
      - ii. Applications should be filed with the department in a timely manner.
- C. A member who cannot report to work as a result of an alleged line of duty injury or illness shall be reported as **(SPL) sick pending LODI determination** for any such absences until the Chief of Police either contest the claim or officially declares the injury/illness as LODI. *(Amended 2/02)*
- D. **Duties of Police Supervisors upon receiving a report of a Line of Duty Injuries/Illness made by a member of the Department.**
  - 1. Direct or transport the injured/ill officer to the hospital for medical care. **(Not discretionary)**
  - 2. Record all pertinent data on a supplemental report to the affected officer's special report. Include a description of the injury/illness.
  - 3. Interview and take statements from witnesses. If none exist, so state in the report.
  - 4. When applicable, photograph the physical area where the injury/illness occurred. (E.g., Broken steps, defective pavement, etc.)
    - a. notify the Staff Duty Officer of the occurrence and make all necessary log entries.
  - 5. Explain and assist the affected officer with an application for LODI status.
- E. **Duties of the Chief of Police** *(New 2/02)*
  - 1. The Chief of Police or his designee shall have 45 days in which to evaluate any application for benefits measured from the date that said application is made by the injured employee or such person acting on his behalf of the injured employee.
  - 2. The Chief of Police may approve or disapprove the claim.
  - 3. A claim may disapproved for any of the following reasons:
    - a. Defective application
    - b. Injury lacks causal relationship to the incident
    - c. Failed to meet "heightened risk" standard

- d. Condition stems from prior incident and subsequent medical clearance to return to full duty
- e. No medical evidence of existing injury or disability
- f. Other reason- to be indicated at the time of disapproval

**F. Contested Findings** (*New 2/02*)

- 1. Injured employees who are disapproved may contest the determination and request an independent hearing within five days of receiving notification of disapproval of the claim.
- 2. In the event that the Chief of Police controverts said claim, the matter shall be scheduled for hearing within 75 days of the date of determination.
- 3. Said hearing officer shall be an independent hearing officer who shall either be a J.H.O. or mutually selected by the PBA and the Town and binding upon all parties as to any determination made.
- 4. Officers who have been disapproved for 207C status by the Chief of Police shall be carried as SPL until a period of 5 days has elapsed from the date that the officer received notice of disapproval from the Chief of Police.
- 5. After 5 days have elapsed since the injured officer received disapproval, the officer shall be placed on sick leave if they have not requested a hearing to contest the disapproval.
- 6. If a disapproved officer contests the disapproval, they shall be carried as SPL until a hearing officer makes a determination.

- G. The Administrative Lieutenant will conduct an initial interview with the officer reporting an injury within three business days of the reported injury.

**(DF 207C-1)** will be completed by the Administrative Lieutenant documenting the interview. (*New 8/01*)

- H. A member of the Department placed on LODI status, or who has applied for 207-C status and who is absent from work as a result of same for a period less than six (6) months, during such period of absence shall: (*Amended 8/01*)

- 1. Meet with the Chief of Police or his designee on a bi-monthly basis (on pay day) and submit to him, medical documentation of continuing disability.  
**(As stated in labor contract)**
- 2. Once a month complete a monthly progress report **(DF 207C-2)** (*New 8/01*)

3. Individuals who are disabled from working as a result of LOD injuries as determined by 207C policy shall suffer no diminution of benefits including time accruals for the first six months of their disability. In addition, such individuals shall not be restricted to their residence during this (6) month period. *(New 2/02)*
- I. A member of the Department officially placed on LODI status and who is absent from work as a result of an official LODI injury/illness for a period greater than six months shall, commencing on the first day of the seventh month of absence and thereafter, comply with the provision of H.1 and H.2 above **and** shall comply with the following provisions:
1. For the purpose of this section, “residence” or “residence of injury” shall mean the member’s home of record officially listed in department records OR the address location from which a member originates an absence notification and where rest and recuperation will occur.
  2. A member of the department who is on injury leave and officially conferred status of GML 207c, shall comply with the following procedures.
    - a. **“Each day of absence,”** personally notify a police supervisor on duty, in person or by telephone, at least two (2) hours and not more than eight (8) hours before the start of the scheduled period of duty or at a time designated by the Chief or his representative.
      - i. Notification to a police radio dispatcher does not satisfy this requirement.
      - ii. Daily notification is not required if the employee is hospitalized and the department has received proper notification however daily notification is required once released from the hospital.
  3. In the event a police supervisor is not immediately available, the member requesting line of duty injury leave shall provide the radio dispatcher with the telephone number where a supervisor can return the contact. In such case, a member reporting LODI shall standby to receive a supervisor’s return contact and supervisors shall make reasonable attempt to return calls within 30 minutes from the time of the initial LODI leave notification. Nothing herein however, prevents or restricts supervisors from making personal visitations to members absent on line of duty injury leave at any time during a member’s absence from duty.
  4. Advise the police supervisor which tour of duty is affected by the absence and the date of the original injury.



5. Remain in the residence listed in department records for each day of injury leave that is conjunctive with periods of scheduled work unless otherwise relieved of this requirement by the Chief of Police.
6. A member of the department who is on injury/207-c leave and who wishes to leave their residence during a period of scheduled duty shall contact a police supervisor on duty and request permission to leave their residence for the following specific purposes. In each instance the supervisor on duty shall grant permission to be absent for reasonable times for these specific purposes only:
  - a. Scheduled appointments with physicians, dentists, physical therapists, hospitals or clinics, whether or not related to the member's present injury or illness.
  - b. Purchase food, household necessities and medication for the member's present injury or illness.
  - c. Attendance at religious services.
  - d. Register to vote or to vote in elections for local, state or federal offices.
  - e. Engage in physical exercise when recommended and, prescribed in writing, by an attending physician or health care provider.
  - f. Answer court subpoenas.
  - g. To follow the orders or directions of a supervising officer.
  - h. To return to their home of record from a location from which the original absence notification was made to the department.
7. Members of the department requesting to leave their residence while on injury leave and during a period of scheduled duty, shall state to the police supervisor on duty their purpose for leaving, their destinations, planned time of departure, method of transportation and the estimated time of return to the residence. Immediately upon return to their residence, the member shall notify the police supervisor on duty..
8. A member of the department officially granted GML 207-c status due to injury or illness and is absent from work as a result of such injury/illness, shall not engage in off-duty work or employment.
9. A member of the department absent from work due to line of duty of duty injury/illness shall not engage in any physical activity including athletic activity which retards or could be construed to retard recovery from such injury or illness. An exception is provided for physical activity which is prescribed, in writing, by a physician or health care provider and the activity is contributory to the recovery from the illness/injury.

10. A member of the department who is absent on line of duty injury leave pursuant to section 207-c of the GML shall comply with all directions of a superior officer with respect to medical evaluations and followup care.
  - a. A member of the Department absent from duty and on official LODI status shall weekly notify the department of the dates and times of scheduled physician's appointments, therapy sessions, scheduled surgery or other treatment related to the LODI injury or illness.
  - b. A member on the Department as described above, shall by telephone or in person, notify the department immediately following the completion of a physician's appointment, treatment or therapy session and, shall provide the department with a note from such physician or health care provider verifying the date and time of such care. Verification note(s) shall be submitted, in person, to the Chief of Police or his designee, bi-monthly (pay days).
  - c. The administrative Lieutenant shall maintain a case log (**DF 207C-5**) documenting the progression of the case. *(New 8/01)*
11. The Chief of Police may waive or exempt any portion of the above LODI reporting requirements or any portion of the duties required by a member on LODI absence. A member on long-term LODI absence requesting waiver of any portion of the LODI reporting or restrictive provisions above shall submit such request in writing to the Chief of Police.
12. A member of the department shall, immediately upon return to work from a GML 207-c injury, provide a written statement from a health authority or a physician certifying that the member has recovered and is physically able to perform regular duties.
13. A member of the department on extended line of duty injury leave may, at the discretion of the Chief of Police, be transferred to Headquarters or another schedule for administrative command and control. In this event, the affected member shall be notified in writing of such transfer including hours and days of scheduled work.
14. Individuals who are absent for six (6) months or longer shall cease the accrual of contractual leave time. *(New 2/02)*

**J. Modified/Transitional Duty** *(Amended 2/02, 8/05)*

1. Members alleging a non-line of duty injury, or who are considered sick pending LODI determination (SPL), or who have been granted official LODI status, may be directed to the Town's medical authority for an independent medical exam.
2. Upon notification by the Town's medical authority that a member of the department absent from work who has alleged a non-line of duty injury, or is considered sick pending LODI determination (SPL), or who has been granted official LODI status, is capable of performing certain specified modified duty, the Chief of Police may direct the employee to report to work to perform such temporary duty, *unless said officer provides a clear and unambiguous medical opinion from a licensed physician that the officer is incapable of performing the assigned modified duty. In that event, the Department shall, with the consent of the P.B.A. (which consent shall not be unreasonably withheld) select a neutral third physician to finally determine whether the officer was/is capable of performing the modified duty assignment. The officer will be granted or denied sick leave depending on the decision of the neutral physician. (Italics added 8/2005).*
3. A member directed to return to temporary duty as above and who fails to report shall be in violation of this directive and may be subject to disciplinary action and or may forfeit benefits provided by GML207-C.
4. The work status of an employee assigned modified/transitional duty shall be reviewed monthly to determine if transitional duty should continue.

**K. Duties of Supervisors relating to administration of LODI leave requests.**

1. Comply with department directives governing the administration of LODI.
2. Complete Department Forms 20-a ("Line of Duty Injury Absence Report") for the affected employee.
3. Cause for a log entry to be made reflecting the absence of the employee.
4. Perform necessary scheduling adjustments.
5. Complete Department Form 20-c ("Request for Residence Leave") for a member on line of duty injury leave and whom is requesting to leave his/her residence as described in paragraph 37.4(5) above.
6. Personally contacting a department member within 30 minutes from the time initial notification of absence is made.